THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.6925, 13067, 15029, 15974, 16233, 22140, 24228, 24360, 24361, 24554, 25413 of 2000 and 25636 of 2001

Dated:22.06.2006

WRIT PETITION No.6925 of 2000

Between:

Smt.Nalla Jamuna Rani, and others.

…Petitioners

and

The Prl.Secretary to Govt., Revenue Dept., Govt., of A.P., Hyderabad, and others.

…Respondents

WRIT PETITION No.13067 of 2000

Between:

Sri Aman Bansal, and others.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.15029 of 2000

Between:

Sri.B.Venkata Swamy and another.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept.,

Hyderabad, and others.

…Respondents

WRIT PETITION No.15974 of 2000

Between:

V.S.Rao and another.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.16233 of 2000

Between:

Smt.M.Veena and another.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.22140 of 2000

Between:

Smt.Kamala Bai Chopda.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.24228 of 2000

Between:

S.Chakravorty.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.24360 of 2000

Between:

J.Anuradha Rao.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.24361 of 2000

Between:

J.M.Narasing Rao.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.24554 of 2000

Between:

Ravi Kumar S.Decca and another.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.25413 of 2000

Between:

Smt.M.Anitha.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

WRIT PETITION No.25636 of 2001

Between:

Smt.D.Usha Rani and another.

…Petitioners

and

Govt., of A.P., rep. by the Prl.Secretary to Govt., Revenue Dept., Hyderabad, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.6925, 13067, 15029, 15974, 16233, 22140, 24228, 24360, 24361, 24554, 25413 of 2000 and 25636 of 2001

COMMON ORDER:

In all these writ petitions the petitioners are allegedly owners of house sites in the land comprised in Survey No.74 of Mahindra Hills, East Maredpally, Secunderabad. When the sale deeds were presented for registration, the registering authority, namely the Sub-Registrar, the fourth respondent herein collected the registration fees and accepted the documents, but did not register and return the documents to the petitioners. The reason was that by the communication of the Government of Andhra Pradesh to the District Collector, Hyderabad, being Memo No.14141/Regn.I(1)/2000-1, dated 13.03.2000, whereby and whereunder while directing the prevention of registration of land in Survey No.74, the District Collector was directed to send proposals under Section 22-A of the Registration Act, 1908, as amended by Registration (A.P.Amendment) Act, 1999. In some of the writ petitions the Government Notification vide G.O.Ms.No.365, dated

30.05.2000, whereby and whereunder the Government declared the registration of the land in Survey No.74 of East Maredpally, Secunderabad, as opposed to public policy is under challenge. The challenge is therefore, to the memo as well as the said Government Order.

In **State of Rajasthan v. Basant Nahata**[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. Therefore, the impugned notification cannot be sustained. Further, in subsequent Judgment in W.P.No.17325 of 2005 and batch, dated 20.02.2006, a Division Bench of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the same, these writ petitions are allowed observing that any registration of the documents presented by the petitioners would be subject to the adjudication by the Supreme Court, and if, ultimately the Supreme Court allows the Appeal filed by the Government of Andhra Pradesh, the registration of the documents would stand automatically nullified.

Before parting with these cases, having regard to the submission of the learned Assistant Government Pleader for Revenue (General) that the Government filed a Land Grabbing case before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, is pending, this Court observes that it shall be open to the District Collector, Hyderabad, and other revenue officials to approach the Special Court and obtain appropriate orders against the petitioners, if so advised.

The Writ Petitions, subject to the above observations, are accordingly allowed. No costs.

(V.V.S.RAO, J)

22.06.2006
vs

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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456